

REMARKS/ARGUMENTS

This Amendment is filed in response to the non-final Office Action dated May 9, 2011. In the Office Action, Claims 58-61, 63, 65-67, 69, 70, and 73 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,248,559 to Ma et al. ("*Ma*") in view of WO 02/078280 to Schaefer et al. ("*Schaefer*") in further view of U.S. Patent 5,878,085 to McCallister et al. ("*McCallister*"). Claims 71 and 72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ma*, *Schaefer*, and *McCallister*, in further view of WO 93/09622 to Jasper et al. ("*Jasper*"). Claim 74 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ma*, *Schaefer*, and *McCallister*, in further view of U.S. Patent 5,852,850 to Hanten et al. ("*Hanten*"). Claims 62 and 68 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The listed rejections are addressed below. For the Examiner's reference, Applicant has previously canceled Claims 1-57 and 64 and has canceled Claims 60, 61, 66, 67, and 73, amended Claims 58, 62, 63, 68, and 72, and added new Claim 75 in this response. Accordingly, Claims 58, 59, 62, 63, 65, 68-72 and 74-75 remain pending in the current application for the Examiner's consideration.

Examiner Interview

An interview was held between the Examiner, Applicant, and Applicant's attorney on August 3, 2011, to discuss the current rejection of independent Claim 58 based on *Ma*, *Schaefer*, and *McCallister*. During the interview, the Examiner made recommendations for additional claim amendments to overcome the cited art. The claim amendments presented in this response reflect the recommendations provided by the Examiner during the interview.

Claim Rejection under 35 U.S.C. § 103

Independent Claim 58

As noted above, Claim 58 has been amended in this response based on recommendations provided by the Examiner to overcome the cited references. Thus, Applicant respectfully submits that *Ma* and *Schaefer*, alone or in combination, fail to teach or suggest each and every feature recited in amended independent Claim 58. Accordingly, Applicant respectfully requests the Examiner to withdraw the current rejection of Claim 58 under § 103(a).

Dependent Claims 59, 62, 63, 65, and 68-72

Claims 59, 62, 63, 65, and 68-72 depend from independent Claim 58. The patentability of independent Claim 58 has been argued as set forth above, and thus, Applicant will not take this opportunity to argue the merits of the rejection with regard to these dependent claims. However, Applicant does not concede that these dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

Independent Claim 74

Applicant has redrafted Claim 74 as an independent claim directed to a computer program, on a non-transitory computer readable medium, having code or instructions, that when executed by a processor, are configured to perform functionality similar to the method recited in independent Claim 58. Thus, Applicant respectfully submits that *Ma* and *Schaefer*, alone or in combination, fail to teach or suggest each and every feature recited in independent Claim 74. Accordingly, Applicant respectfully requests the Examiner to withdraw the current rejection of Claim 74 under § 103(a).

Independent Claim 75

Applicant has drafted new Claim 75 as an independent claim directed to an apparatus for

encoding data for transmission over a telecommunications network, the apparatus comprising one or more processors configured to perform functionality similar to the method recited in independent Claim 58. Thus, Applicant respectfully submits that *Ma* and *Schaefer*, alone or in combination, fail to teach or suggest each and every feature recited in independent Claim 75. Accordingly, Applicant respectfully submits that Claim 75 is in condition for allowance.

Allowable Subject Matter

Claims 62 and 68 have been objected to as being dependent upon a rejected base claim. However, these claims have been indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Based at least on the reasons set forth above with respect to the patentability of Claim 58, Applicant respectfully submits that Claims 62 and 68 are allowable in their current form because these claims depend from an allowable base claim. Accordingly, Applicant respectfully requests the Examiner to withdraw the current objection of these claims.

Conclusion

The foregoing is submitted as a full and complete response to the non-final Office Action dated May 9, 2011. The foregoing amendments and remarks are believed to have placed the present application in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicant's undersigned attorney at (404) 881-7640 or at chris.haggerty@alston.com to resolve any remaining issues in order to expedite examination of the present application.

Appl. No.: 10/549,387
Amdt. dated September 7, 2011
Reply to Office Action of May 9, 2011

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON SEPTEMBER 7, 2011.